

Remarks

Claims 1, 3-19, 21-65 and 67-102 are pending and rejected. Claims 19, 21-22, and 28 are amended herein. Claims 1, 19, 34, 48, 63, 78, 84, 90, and 96 are the independent claims. Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal in light of the amendments and remarks presented herein.

I. Claim Amendments

Claim 19 is amended so to clarify that “for channels subscribed to, said channel data is updated over time such that updated channel data is provided over time for storage on one or more mobile devices.” (underlined text added). This amendment adds subject matter in this claim that relates to subscribed to channels which is similar to subject matter already recited in claim 1 and other independent claims.

Claims 21-22 and 28 have been amended to no longer depend from cancelled claim 20.

Entry of these amendments is respectfully requested.

II. Claim Objections

Claims 21-22 and 28 have been amended to no longer depend from cancelled claim 20 in a manner that Applicant believes addresses the claim objections.

III. Claim Rejections

The Office Action rejects claims 1, 3-19, 21-65, 67-102 under 35 U.S.C. § 103(a) as being unpatentable over Clayton et al. (US Pat. 6,725,022 B1, hereinafter “*Clayton*”) in view of Tashiro et al. (US Publication 2003/0003899, hereinafter “*Tashiro*”). Applicant respectfully traverses these rejections and requests withdrawal in light of the remarks presented herein.

Claim 1 recites storing and using data for a “subscribed to” channel on mobile devices, specifically reciting that data feeds comprising channel data that is updated over time, such that updated channel data is provided over time for storage in a feed store on each one of said plurality of mobile units for each one of a plurality of channels subscribed to and that channel application presentation on each mobile device uses the updated channel data from the feed store to display one of said plurality of channels subscribed to.

Applicant asserts the rejection under § 103(a) should be withdrawn because neither *Clayton* nor *Tashiro* teaches or suggests the claimed provision of “**subscribed to**” channel data on mobile devices. *Clayton* describes a multimedia system offering in-vehicle audio broadcasts, information, navigation, and other software services. A user operates an application by tuning to a channel of one of two types: audio broadcasts (e.g., AM, FM, TV, digital, Internet audio broadcasts and recorded material) and personal information services (e.g., navigation, email, traffic alerts, etc.) (*Clayton*, col. 6, lines 1-6.) These channels are not subscribed to such that updated content is provided for storage and updated on a mobile unit *if* the channel is subscribed to. Rather than describing such subscribed to channels, *Clayton* describes audio broadcast channels that are provided and received like traditional radio stations for immediate use. (See e.g., *Clayton* col. 7, lines 55-62 (currently broadcast program fades out as vehicle changes location)). Nor are the downloaded content¹, personal information services type channels², and other information³ described in *Clayton* a teaching of the claimed subscribe to channels.

The November 13, 2009 Office Action appears to assert that the claimed storing and using of data for a “subscribed to” channel is illustrated by *Clayton*’s Figure 3, ref 200, Col. 11, lines 22-49, asserting that those portions disclose “a customer adaptive profiler 200, i.e., a subscription manager, compiling user’s system preference such as channel selection and purchasing interests, i.e., data feed, for each user of the multimedia device.” Office Action, pg. 3. Applicant respectfully disagrees. *Clayton*’s teaching of storing information about a user’s past channel selections in a user profile database is not equivalent to providing, storing, and/or using data for a “subscribed to” channel where such data is provided, stored, and/or used for a

¹ While *Clayton* describes downloading individual compressed audio files, radio shows, and other digital materials for later playback (*Clayton*, col. 7, lines 24-40; col. 8, lines 64-67), these files are not the content of a subscribed to channel that is updated and provided for storage on a mobile unit based on whether the channel is subscribed to.

² *Clayton* describes personal information services type channels (e.g., navigation, email, traffic alerts, etc.) stating that new personal information services (e.g., email, stock quotes, interactive audio games, etc.) can be added to a multimedia device by downloading applications. (*Clayton*, col. 6, lines 1-6; col. 7, lines 4-12; col. 12, lines 1-7.) These services are not equivalent to subscribed to channels that are updated and provided for storage on a mobile unit based on whether a channel is subscribed to. “Such services are called personal information or data channels in keeping with the radio nomenclature as their applications can be used simply by selecting them as you would an audio channel in the main menu or with a preset button.” (*Clayton*, col. 7, lines 8-12).

³ *Clayton* also describes providing or “pushing” other information such as advertisements to multimedia devices. (*Clayton*, col. 11, lines 21-49). *Clayton* discloses transmitting events based on a user profile, stating that “such events could be, for example, stock market alerts (i.e., set an alert when a stock reaches a set value), traffic alerts based upon the user’s route (notifies of any delays as they happen in real time on the route), email messages, or the like.” (*Clayton*, col. 12, lines 8-14.) Neither such advertising nor such event information is updated channel content that is updated over time and provided for storage on a mobile unit based on whether the channel is subscribed to.

channel if the user subscribes to the channel. *Clayton* does not teach that information about a user's past channel selections is such a channel subscription.

The November 13, 2009 Office Action also appears to suggest that *Clayton*'s mere teaching of allowing a channel selection is a teaching of a channel subscription, citing *Clayton* Fig. 2, ref 160, col. 9:1-29, and asserting "screen 160 with soft action button and selector for selecting multimedia channels." Office Action, pgs. 14-15. Applicant respectfully disagrees. The mere selecting of a channel is not the same as subscribing to a channel, i.e., a selected channel is not the same as a channel subscribed to. For at least the above reasons, *Clayton* fails to teach at least the storing and using of data for a "subscribed to" channel as recited in claim 1.

Nor does the other reference, *Tashiro*, teach or suggest storing and using data for a "subscribed to" channel as recited in claim 1. Instead, *Tashiro* at most describes generally available channels, for which channel content is provided upon selection of a channel or channel content (e.g., paragraphs [0075]-[0077] and [0085]). As described above, the mere selection of the channel is not the same as subscribing to a channel, i.e., a selected channel is not the same as a channel that is subscribed to. *Tashiro* does not teach using subscribed to channels and does not teach providing channel data if the channel is subscribed to.

Applicant respectfully requests the withdrawal of the rejection under § 103(a) for at least the reason that neither *Clayton* nor *Tashiro* teaches or suggests the claimed provision of "subscribed to" channel data on mobile devices as described above.

Independent claims 19, 34, 48, 63, 78, 84, 90, and 96 require limitations similar to, although not the same as, the above-described features of claim 1. Accordingly, each of claims 19, 34, 48, 63, 78, 84, 90, and 96 are allowable for one or more of the reasons described above with respect to claim 1.

Each of dependent claims 3-18, 21-33, 35-47, 49-62, 64-65, 67-77, 79-83, 85-89, 91-95, and 97-102 ultimately depend from one of allowable independent claims 1, 19, 34, 48, 63, 78, 84, 90, and 96. Accordingly, for at least the reasons discussed above, these dependent claims are likewise believed allowable over the cited references and withdrawal of their rejection is respectfully requested.

The independent claims and dependent claims recite additional features that further define the claimed invention over the cited references. Applicant has not addressed the specific rejections of the dependent claims given their believed allowability by virtue of their dependence

from an allowable independent claim. However, not addressing the substance of each such rejection should not be taken as acquiescence in any such rejections. Rather, Applicant reserves the right to address the patentability of any additional claim feature in the future.

IV. CONCLUSION

In view of the above, the pending application is believed to be in condition for allowance. While no additional fees are believed due, the Commissioner is hereby authorized to charge any additional fees and credit any refund to Deposit Account No. 11-0855. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact the undersigned directly at 404.815.6626.

Respectfully submitted,

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